



Paper No. 19

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**OFFICE OF PETITIONS**

In re Application of  
Chan, et al.  
Application No. 09/160,824  
Filed: September 25, 1998  
Attorney Docket No. 97-C-108  
For: STACKED MULTI-COMPONENT  
INTEGRATED CIRCUIT MICROPROCESSOR

DECISION  
ON PETITION  
37 CFR 1.47

This is a decision on the petition filed September 2, 2003 (certificate of mailing date August 25, 2003), under 37 CFR 1.47(a).

The petition is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.47(a) has been proffered due to the inability to obtain the signature of one of the named inventors on a declaration filed under 37 CFR 1.131.


However, 37 CFR 1.47 (and a petition thereunder) is only applicable to the initial filing, and PTO acceptance, of an application wherein one or more of the named inventors refuses to sign, or cannot be located so as to sign, the oath or declaration filed under 37 CFR 1.63. Where, as here, all the named inventors have executed the original oath or declaration under 37 CFR 1.63, 37 CFR 1.47 has no relevance to the application. See MPEP 201.03(b); 409.03.

Rather, MPEP 715.04 applies to the situation in hand and notes in pertinent part that (1) an affidavit or declaration filed under 37 CFR 1.131 may be signed by less than all the named inventors when the signing inventors are in fact the inventors of the subject matter of the of the claim(s) under rejection, or (2) if it is shown that a joint inventor of the claimed invention refuses to sign, the signature(s) of the remaining inventor(s) is sufficient, provided that the declaration under 37 CFR 1.131 shows completion of the invention by all the joint inventors of the claimed subject matter, or (3) the assignee of the entire interest may make the declaration under 37 CFR 1.131.

Accordingly, the file is being returned to Technology Center AU 2826 for treatment of the showing under 37 CFR 1.47(a) as part of a showing under the practice of MPEP 715.04, for acceptance of the declaration under 37 CFR 1.131, signed by less than all the named inventors.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Inquiries regarding this communication may be directed to the undersigned at (703) 308-6712.



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